BILL NO. Z-83-02-11

ZONING MAP ORDINANCE NO. Z-01-83

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office District) under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the East line of said Southeast Quarter at a point situated 485.1 feet South of the Northeast corner of said Southeast Quarter; thence South, on and along said East line, being also the centerline of Reed Road, a distance of 477.4 feet; thence Westerly, by an interior angle of 90 degr. 21 min. and parallel to the North line of said Southeast Quarter, a distance of 457.0 feet; thence North and parallel to said East line; a distance of 477.4 feet; thence Easterly and parallel to said North line, a distance of 457.0 feet to the point of beginning, containing 5.009 acres, of land, subject to legal right-of-way for Reed Road and subject to all easements of record, TOGETHER WITH:

Part of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana; thence West along the North line of the East ½ of the SE ¼ of Se. 32-31-13 a distance of 457.0 feet; thence South with a deflection angle to the left of 89 degr. 07 min. 20 sec. a distance of 691.0 feet to the point of beginning; thence West, with a deflection angle to the right of 89 degr. 07 min. 20 sec. a distance of 226.28 feet; thence South with a deflection angle to the left of 89 degr. 07 min. 20 sec. a distance of 271.5 feet; thence East with a deflection angle to the left of 90 degr. 52 min. 40 sec. a distance of 226.28 feet; thence North with a deflection angle to the left 89 degr. 07 min. 20 sec. a distance of 271.5 feet to the point of beginning, containing 1.41 acres.

and the symbols of the City of Fort Wayne Zoning Map No. S-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first ~~time~~ in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 2-8-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third ~~time~~ in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
SCHMIDT	✓				
SCHOMBURG	✓				
SCRUGGS	✓				
STIER	✓				
TALARICO	✓				

DATE: 3-22-83

Charles W. Westerman /ce
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING~~ MAP) (GENERAL) (~~ANNEXATION~~) (SPECIAL) (~~APPROPRIATION~~) ORDINANCE (~~RESOLUTION~~) NO. 3-01-83 on the 22nd day of March, 19 83.

ATTEST: (SEAL)

Charles W. Westerman /ce
CHARLES W. WESTERMAN - CITY CLERK

Ray A Talarico /ce
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 19 83, at the hour of 4:00 o'clock P.M.,E.S.T.

Charles W. Westerman /ce
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 23rd day of March 19 83, at the hour of 4 o'clock P.M.,E.S.T.

Win Moses Jr.
WIN MOSES, JR. - MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. _____

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

I/We EAST STATE DENTAL GROUP, an Indiana General Partnership,
(Applicant's Name or Names)
do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from ~~a~~/an R-1 district to a/~~an~~ P.O.D. district the property described as follows:

A 5.009 acre parcel and a 1.41 acre parcel in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana, more fully described on Exhibit A attached hereto and made a part hereof.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

EAST STATE DENTAL GROUP an Indiana General Partnership	4606-C E. State Fort Wayne, IN 46815	By: William D Swift William D. Swift, its Attorney
(Name)	(Address)	(Signature)

Legal Description Checked By: _____
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

William D. Swift	590 Lincoln Tower Fort Wayne, IN 46802	(219) 423-4422
(Name)	(Address)	(Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE, INDIANA, 46802 Telephone Number: 423-7571

... OF FORT WAYNE, INDIANA

Intended Use

I/We EAST STATE DENTAL GROUP, an Indiana General Partnership,
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from ~~a~~/an R-1 & R-3 district to a/~~an~~ P.O.D. district the property described as follows:

A 5.009 acre parcel and a 1.41 acre parcel in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana, more fully described on Exhibit A attached hereto and made a part hereof.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

EAST STATE DENTAL GROUP
an Indiana General Partnership

4606-C E. State
Fort Wayne, IN 46815

By: William D. Swift
William D. Swift, its Attorney

and countersigned by the following partners of East State Dental Group:

E. L. Dellinger — Robert M. Stetzel — James R. Platt — Gerry L. Kaufman

Legal Description Checked By: Leatrice Stetzel
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

William D. Swift
(Name)

590 Lincoln Tower
Fort Wayne, IN 46802
(Address)

(219) 423-4422
(Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE, INDIANA, 46802
Telephone Number: 423-7571

EXHIBIT A

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the East line of said Southeast Quarter at a point situated 485.1 feet South of the Northeast corner of said Southeast Quarter; thence South, on and along said East line, being also the centerline of Reed Road, a distance of 477.4 feet; thence Westerly, by an interior angle of 90 degr. 21 min. and parallel to the North line of said Southeast Quarter, a distance of 457.0 feet; thence North and parallel to said East line, a distance of 477.4 feet; thence Easterly and parallel to said North line, a distance of 457.0 feet to the point of beginning, containing 5.009 acres, of land, subject to legal right-of-way for Reed Road and subject to all easements of record, TOGETHER WITH:

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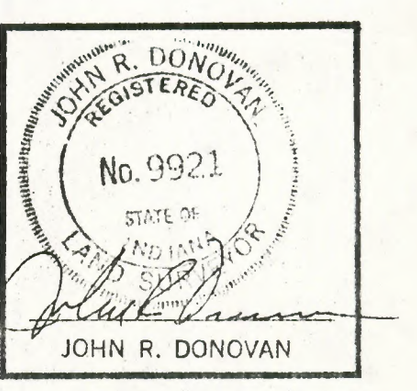
Commencing at the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana; thence West along the North line of the East ½ of the SE¼ of Sec. 32-31-13 a distance of 457.0 feet; thence South with a deflection angle to the left of 89 degr. 07 min. 20 sec. a distance of 691.0 feet to the point of beginning; thence West, with a deflection angle to the right of 89 degr. 07 min. 20 sec. a distance of 226.28 feet; thence South with a deflection angle to the left of 89 degr. 07 min. 20 sec. a distance of 271.5 feet; thence East, with a deflection angle to the left of 90 degr. 52 min. 40 sec. a distance of 226.28 feet; thence North with a deflection angle to the left of 89 degr. 07 min. 20 sec. a distance of 271.5 feet to the point of beginning, containing 1.41 acres.

JOB FOR: EAST STATE DENTAL GROUP 1-17-83



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 8, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-02-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 14, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 28, 1983.

Certified and signed this
1st day of March, 1983.

Stephen A. Bailey
Secretary

BILL NO. Z-83-02-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GiaQUINTA

ROY J. SCHOMBURG

3-22-83

CONCURRED IN

DATE _____ CHARLES W. WESTERMAN, CITY CLERK

PRESCRIBED BY STATE BOARD OF ACCOUNTS — A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Oct 2204

COMMUNITY DEVELOPMENT & PLANNING

No 8142

FT. WAYNE, IND., 1-17 19 83

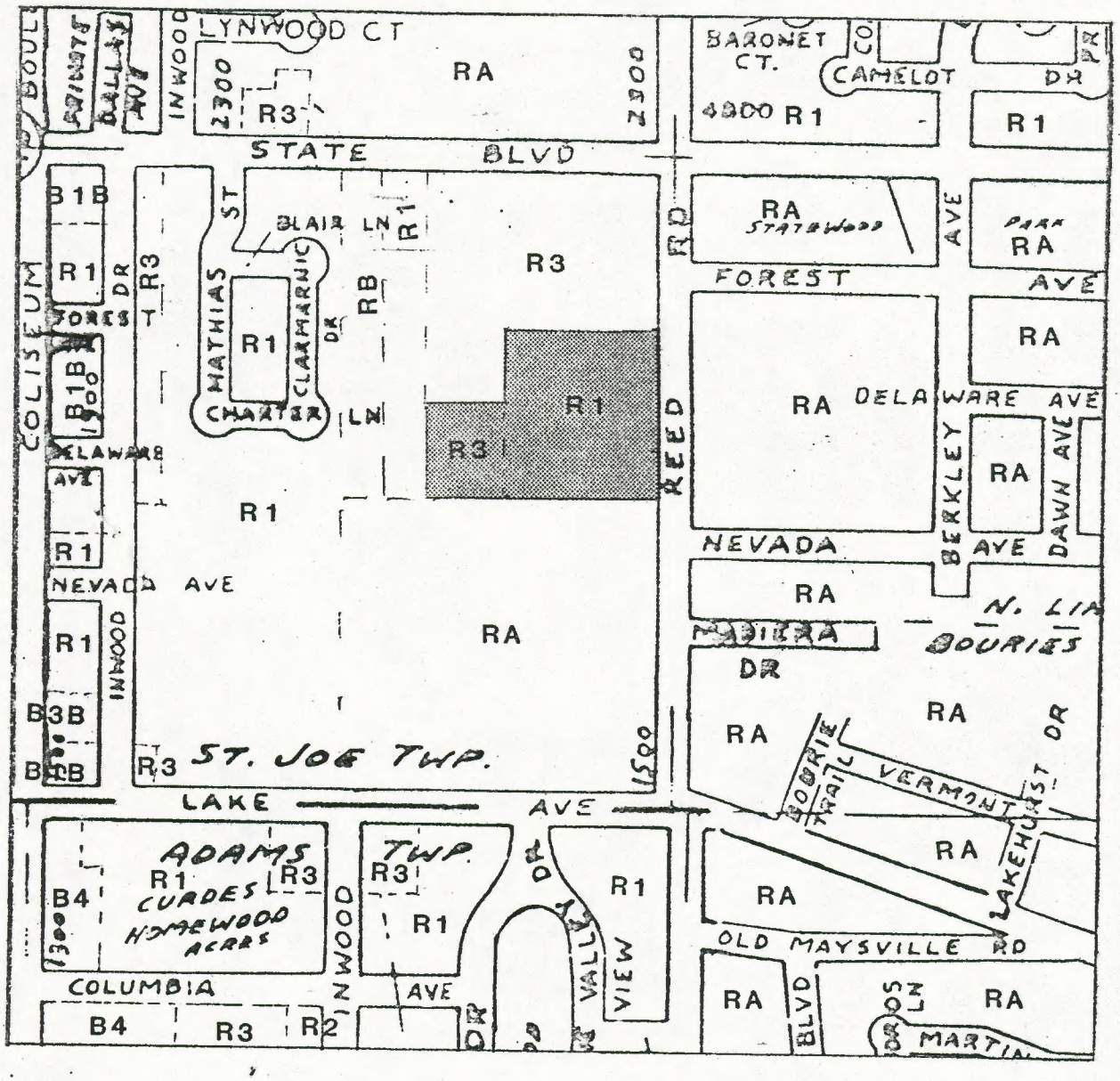
RECEIVED FROM Higgins, Swift & Talayon $ 50.00

THE SUM OF fifty and 00/100 DOLLARS

ON ACCOUNT OF rezone - R-1 to POD

P & B.

AUTHORIZED SIGNATURE



REQUEST TO ESTABLISH A PROFESSIONAL OFFICE DISTRICT

Map S-14

N

Z-83-02-11

1-18-1983

PETITION TO OPPOSE PROPOSED ZONING CHANGE

We, the undersigned, residents of the Irvington Park Addition, oppose the rezoning of Lots 1 through 9 of Block II of the Irvington Park Addition for the following reasons:

1. The rezoning of this area will have a particularly adverse effect on the homeowners of the 3200 Block of Eastbrook Drive, that adjoin the said property on the rear by allowing land use of a non-residential nature so close to a residential area. Problems regarding parking, noise, lighting, traffic, and aesthetic beauty would arise not only from this proposed business, but from other non-residential usages that could arise in the future.
2. We feel that adequate areas presently exist that are available for this proposed usage in this general area without rezoning this particular area.
3. We believe that this represents "spot zoning" that is of particular benefit to only the petitioner, and does not benefit the general welfare of the Irvington Park Addition.
4. This proposal impacts not only those adjacent to this area but all of the residents in the Irvington Park Addition as it encroaches and impacts an area already surrounded by commercial usage by breaking down a buffer area between distinctly different areas of land usage. Irvington Park is a quiet residential area that vigorously wants to protect a "neighborhood quality."

NAME	ADDRESS
Mr and Mrs Robert J Kenyon	3314 IRVINGTON DR
Dorothy R. Risberg	3200 Irvington Dr. } since 1938.
Walter Risberg M.D.	3200 Irvington Dr. }
Robert Brosius M.D.	3302 Garland ave
Rhoda Brosius, R.N.	3302 Garland ave
Mary D. Heymann R.N.	3354 Irvington Dr.
Ruth Anne Chambers	3360 Irvington
Mr. Walter O. Chambers	3360 IRVINGTON

Janet Seely (Mrs. R.E.) } 3330 Irvington
R.E. Seely } " "

John C. Kerr 3318 Garland Ave.
Mrs. Gertrude Kerr 3318 Garland Ave.
Virginia A. Rapp 3344 Garland Ave.
Mildred E. Luse 3360 Garland Ave.
Joseph R. Eckrich 3375 Garland (OWNER)
Carol Lennox 229 IRVINGTON DR. (TENANT)
Bonnie Waltz 222 Irvington Drive
Paul Waltz 222 Irvington Dr.
Richard E. Walker 3208 Eastbrook
Julia M. Walker 3208 Eastbrook
Gregory M. Schuster & Owner - 229 Irvington Dr.
Duane Schuster 229 Irvington (OWNER)
Jim Sines 3322 Irvington Drive

PETITION TO OPPOSE PROPOSED ZONING CHANGE

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4. This proposal impacts not only those adjacent to this area but all of the residents in the Irvington Park Addition as it encroaches and impacts an area already surrounded by commercial usage by breaking down a buffer area between distinctly different areas of land usage. Irvington Park is a quiet residential area that vigorously wants to protect a "neighborhood quality."

NAME	ADDRESS
Norma B. Kortz	3311 Eastbrook Drive
Curt Rupner	3232 East Brook Drive
Barb Rupner	3232 EastBrook Dr.
Wilma Rose	3306 Eastbrook Dr.
Robert Rose	3306 Eastbrook Dr.
Mary Pierce	3223 Eastbrook Dr
Mae Ernst	3212 Eastbrook Dr.
Barbara J. Rusch	3218 Eastbrook Drive
Nancy Markland	3207 East Brook Drive

Richard C. Reed	3218 Eastbrook Dr.
Charles K. Feller	3324 Eastbrook Drive
Oscar Salzbrenner	3330 Eastbrook
Elizabeth L. Doty	3327 Eastbrook Dr.
Stanley M. Johnson	3321 Eastbrook Dr.
Robert C. Pierce	3273 EASTBROOK DR.
Marie Roef	3221 Eastbrook Dr.
Laura Feller	3324 Eastbrook Dr.
Helen Altevogt	3344 Eastbrook Dr.
Walter Altevogt	3344 Eastbrook Dr.
Mary I Westafer	3355 Eastbrook Dr.
James N Westafer	3355 EASTBROOK DR
Becky Faires	3329 Northrop.
Dayna Sherman	3337 NORTHROP
Virginia Beaver	~~#3~~ 3345 Northrop
Frank Taylor	3311 Northrop
~~Kathy~~ Taylor	3311 Northrop St.
Margaret Bosserman	3112 Eastbrook
Gerald E Bosserman	3112 Eastbrook Dr.
Willis L Bolin	3229 Northrop St.
Edna M Bolin	3229 Northrop St.
Russell M Eisenhart	3325 Northrop St
Bob C Murray	3226 EASTBROOK DR.
Susan Murray	3226 Eastbrook Dr.
Wayne E Lantz	3118 Eastbrook Dr
Joanne B. Lantz	3118 Eastbrook Dr
Robert M Kiefer	3338 Eastbrook Dr.
Donna Barnes	3361 Eastbrook Dr.
James C. Barnes	3361 Eastbrook Dr.
Patricia M. Smith	3361 Eastbrook Dr.
Dennis Knoll	3335 Eastbrook Dr.
Linda Knoll	3335 Eastbrook Dr.
Ross K. Doty	3327 Eastbrook Dr

PETITION TO OPPOSE PROPOSED ZONING CHANGE

We, the undersigned, residents of the Irvington Park Addition, oppose the rezoning of Lots 1 through 9 of Block II of the Irvington Park Addition for the following reasons:

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2. We feel that adequate areas presently exist that are available for this proposed usage in this general area without rezoning this particular area.
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4. This proposal impacts not only those adjacent to this area but all of the residents in the Irvington Park Addition as it encroaches and impacts an area already surrounded by commercial usage by breaking down a buffer area between distinctly different areas of land usage. Irvington Park is a quiet residential area that vigorously wants to protect a "neighborhood quality."

NAME	ADDRESS
Donald R. Converse	3322 EASTBROOK DR.
Gwendolyn M Converse	3322 Eastbrook Dr
Ronald L. Reinking	3336 Garland Ave
Deborah A. Reinking	3336 Garland Ave.
Phyllis J Sheldon	3353 Garland Ave
Maurice E Zahm	3365 Garland ave
Norma J Zahm	3365 Garland Ave.

35 signatures – 21 addresses

Name	Address
Joan E. Friend	101 Norfolk Ave.
Richard W. Friend	101 Norfolk Ave
Ruth M Huser	141 Norfolk Ave
Clara B. Collins	139 Norfolk Ave
Doris E. Pfister	125 Norfolk Ave.
Paul E. Pfister	125 Norfolk Ave.
Geo. E Jordan	3380 Garland Ave
Rose A Jordan	" " "
Isaac J Sprague	3355 Garland Ave
Eva S Kinker	3355 Garland Ave
John A. Terrell	3354 Garland Ave
Kate E Terrell	" " "
Dick L. Gibson	3333 Garland Ave.
Nadine D. Gibson	3333 Garland Ave.
Norma F Jacobs	123 Ledgewood
Kenneth Richardson	3360 Eastbrook Drive
Judith Richardson	3360 Eastbrook Drive
Barbara A Baker	3345 Eastbrook Dr
Joyanne Jones	3350 Eastbrook Dr.
Don McIntyre	155 Norfolk ave.
Dianne McIntyre	155 Norfolk Ave.
Warren G. Antoine	145 Norfolk Ave.
Hilda M. Antoine	145 Norfolk ave.
Richard R. Cotterman	150 Norfolk Ave.
Charlene Cotterman	150 Norfolk Ave
Margaret Evans	111 Norfolk Ave
Sue Cooper	117 Norfolk Ave
Judy Cooper	117 Norfolk Ave

We are opposed to the rezoning
of the 3200 block of Northrop St.

Leonard LaFever 226 Irvington Dr
Frances LaFever 226 Irvington Dr

Filed Allen Co. Recorder 2/24/77 #77-431

77-4131

2-24-77

AGREEMENT FOR RESTRICTIONS AND LIMITATIONS FOR LOTS IN IRVINGTON PARK ADDITION

THIS AGREEMENT, entered into by and between the owners of lots in Irvington Park Addition who have affixed their signatures to this instrument or counterpart hereof, witnesseth that:

WHEREAS, the restrictions and limitations and enforcement provisions for the Irvington Park Addition recorded July 26, 1940, in the office of the Recorder of Allen County, Indiana, may have expired because of a lapse of time; and,

WHEREAS, said restrictions and limitations were calculated to be and have been beneficial to all the lots in said Irvington Park Addition and to the respective owners thereof;

WHEREAS, the undersigned owners of lots in Irvington Park Addition desire to partially resinstate and amend said restrictions and limitations for the mutual benefit of all lots in said addition;

NOW, THEREFORE, it is agreed by and between the parties hereto and their successors in interest, personal representatives, heirs and assigns, for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, as follows:

1. That all restrictions and limitations set out herein which were in part previously contained in the restrictions and limitations for Irvington Park Addition, shall run with the land and shall be binding upon all parties hereto and all persons claiming under them until January 1, 2007, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by agreement of the majority of the owners of the lots who have signed this agreement or their successors, heirs, personal

representatives, or assigns, it is agreed to change said covenants in whole or in part. Violations of the covenants herein shall give to any lot owner in Irvington Park Addition or any association of lot owners in said addition the right to prosecute any proceeding at law or in equity against any such person violating any of the restrictions and limitations contained herein, either to prevent the violation or to recover damages for such violation.

2. All lots in Irvington Park Addition shall be known and described as residential lots, and no structure shall be erected on any lot other than one (1) detached single family dwelling not to exceed two (2) stories in height and a one, two, or three car garage.

3. No building shall be erected on any lot nearer than twenty-five (25) feet to nor farther than fifty (50) feet from the front lot line, nor nearer than five (5) feet to any side lot line. These side line restrictions shall not apply to a garage located in the rear one-quarter of any lot, except that on corner lots no structure shall be permitted nearer than fifteen (15) feet to the side street line.

4. No residential lot shall be sub-divided into building plots having less than five thousand (5,000) square feet of area or a width of less than forty (40) feet, each, nor shall any building be erected on any lot having an area of less than five thousand (5,000) square feet or frontage of less than forty (40) feet.

5. No obnoxious or offensive trade or occupation shall be carried on upon any lots nor shall anything be done thereon which may or become an annoyance or nuisance to the neighborhood.

6. No trailer, basement, tent, shack, garage, barn or other building erected in the tract shall at anytime be used as a residence, temporarily or permanently, nor shall residence of a temporary character be permitted.

7. No building shall be erected, placed, or altered upon any of said lots until the building plans, specifications, and plot plans showing the location of such buildings have been approved in writing as to conformity and harmony of external design with existing structures in the Irvington Park Addition and as to location of the buildings with respect to property and setback lines, by a committee elected by the owners of a majority of the lots whose owners are signatories to this agreement. In the event said committee or its designated representative fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, or, in any event, if no suit to enjoin the erection of such building or the making of such alterations have been commenced prior to the completion thereof, such approval will not be required as this covenant will be deemed to have been fully complied with.

In any case, either with or without the approval of the committee, no dwelling shall be permitted upon any lot in the addition unless the ground floor square foot area thereof shall not be less than seven hundred sixty-eight (768) square feet in the case of a one-story structure nor less than five hundred seventy-six (576) square feet in the case of a one-and-one-half or two story structure.

8. No lot in Irvington Park Addition shall be used for any purpose other than a single family dwelling.

9. Sanitary sewage disposal shall be through the City sanitary sewer mains and there shall be no individual septic tanks or other private sanitary sewage disposal system used on any lot in said addition.

10. All houses built in the addition shall be services from water from municipal water mains but nothing herein shall limit or bar the right of any lot owner to construct and use a well or wells upon any lot.

11. Whenever these restrictions and limitations are more restrictive or impose higher standards than are required by the zoning ordinance of the City of Fort Wayne in effect from time to time, or any state law or other ordinance of the City of Fort Wayne, then the provisions of these restrictions and limitations shall govern.

12. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

The counterpart of this agreement shall be a copy hereof and any lot in said addition whose owner signs any counterpart shall be bound by the terms hereof to the same extent as if all the owners had signed the same instrument and all signatures and executions shall be appended to the original hereof for the purpose of recording in the office of theRecorder of Allen County, Indiana.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year set opposite our signatures.

	OWNER		LOT NO.	DATE
Co-owners	Martha M. Beierlein	(SEAL)	Lots 10 + 11 Blk 6.	May 20, 1976
	Gertrude Beierlein	"	Lots 10 + 11 Blk 6.	May 20, 1976
	Mildred H. Smith	"	Blk 6	September 2, 1976
	Berry B. Lincoln	"		Sept 2, 1976
Co-oners	Willis L. Bolin	"	Lot 2	Sept 8, 1976
	Edna M. Bolin	"	—	—
	Mildred E. Oakford	"	4 E ½ Vac Alley Exc St Block 3	Sept 9, '76
		"		
		"		
		"		

convenience and welfare, provided, however, that it shall not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this chapter. (Ord. No. G-06-80, § 1, 3-11-80)

ARTICLE VII. PRIVATE RESTRICTIONS

Sec. 33-30. When chapter more restrictive.

Whenever the provisions of this chapter are more restrictive or impose higher standards than are required by any statute of the state or any provision of any other chapter of this Code or of any other ordinance of this city or by any restrictions or limitations as to particular property established by deed, plat or otherwise running with the land, the provisions of this chapter shall govern. (Ord. No. G-06-80, § 1, 3-11-80)

Sec. 33-31. When other provisions more restrictive.

Whenever the provisions of any statute or of any other chapter of this Code or of any other ordinance of this city, or any restriction or limitation established by plat or deed or otherwise running with the land, is more restrictive or impose higher standards than are required by this chapter, the provisions of such statute, chapter, ordinance, plat, deed, restriction or limitation shall govern. (Ord. No. G-06-80, § 1, 3-11-80)

ARTICLE VIII. SEVERABILITY

Sec. 33-32. Provision of chapter severable.

If any part, parts, section, sections, provision, clause or portion of this chapter shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this chapter as a whole or of any other part, section, clause, provision or portion of this chapter. (Ord. No. G-06-80, § 1, 3-11-80)

Bill No. Z-76-08-10

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

September 7, 1976

Home.
J-G SEPT. 11, 1976

Commission removes rezoning request

A proposal to rezone two lots in Irvington Park ad tion from residential to business was removed from t public hearing schedule of the City Plan Commissi yesterday.

Problems with the proposed rezoning at 3205 Nort rop St., including private deed restrictions that appa ently prohibit business in the subdivision, were cited a reasons the proposal was taken off the agenda by th commission's staff members.

Several other items, including plats for Lake Shore Extended and Old Orchard housing developments, wil be considered at the meeting, set for 7:30 p.m. Sept. 2 in the City-County Building.

NOTICE OF PUBLIC HEARING ON ZONING AMENDMENT

You are hereby notified that the City Plan Commission will conduct a public hearing on Monday, September 20, 1976, at 7:30 P.M., in the Council Chambers, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on a proposed amendment to the Zoning Ordinance of the City of Fort Wayne, Indiana, which proposes to change the following described real estate from an "R1" District - One Family Residential to a "B1A" District - Limited Business.

> Lots # 2 and # 3 and 1/2 vacated alley in Irvington Park Addition, commonly known as 3205 Northrop Street, generally located on the west side of Northrop Street and approximately 40 feet north of Edgewood Drive.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Plan Commission Office prior to the hearing.

NOTE: The law requires that a legal ad be published in the newspapers. Notices to area residents are sent as a courtesy. It is advised that you notify members of your neighborhood association of the above public hearing.

DIGEST SHEET

ORIGINAL

617

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A 5.009 acre parcel and a 1.41 acre parcel in the East Half of the Southeast Quarter of Section 32, T 31 N, R 13 E, Allen County, Indiana.

3-83-02-11

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential. Property will become a P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain an R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held February 28, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-83-02-11

2. From R-1 & R-3 to a P.O.D.

3. Intended Use: Professional Office District

4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation with the following conditions:

CONDITIONS: a. The final plans will include installation of this frontage on Reed Road. The sidewalk is to be installed concurrent with the construction of the Reed Road access into the property.

b. There must be a retention pond maintenance agreement submitted to, and approved, by the Board of Public Works prior to issuance of permits for construction.

NOTE: The City Plan Commmission will have to give final approval of these conditions as part of the Development Plan.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Land Use Maragement

Gary F. Baeten, Senior Planner

GFB:pb

Attachments

AN EQUAL OPPORTUNITY EMPLOYER

The City of Fort Wayne

OFFICE OF THE CITY CLERK
Charles W. Westerman, Clerk — Room 122

March 28, 1983

Ms. Linda King
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of March 31 and April 7, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-83-01-06
(as amended)
General Ordinance No. G-08-83

Bill No. Z-83-02-11
Zoning Map Ordinance No. Z-01-83

Please send us 8copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 22nd day of March, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-83-01-06 (as amended) General Ordinance No. G-08-83 -- AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating alleys thereof

Notice is hereby given that on the 22n day of March, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-02-11 -- Zoning Map Ordinance No. Z-01-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-83-01-06 (as amended) -- General Ordinance No. G-08-83 and Bill No. Z-83-02-11 -- Zoning Map Ordinance No. Z-01-83, were passed by the Common Council on the 22nd day of March, 1983, and said Ordinances were signed and approved by the Mayor on the 23rd day of March, 1983, and remains on file and on record in my office.

Copies of Bill No. G-83-01-06 (as amended) -- General Ordinance No. G-08-83 and Bill No. Z-83-02-11 -- Zoning Map Ordinance No. Z-01-83, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

(1) The main floor of the City-County Building
(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
(3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-83-01-06 (as amended)-- General Ordinance No. G-08-83 and Bill No. Z-83-02-11 -- Zoning Map Ordinance No. Z-01-83 will be available for reading in the following places in Fort Wayne, Allen County, Indiana

(1) Reference Room in the north end of the main floor in said Downtown Public Library
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman

Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on March 31, 1983

Charles W. Westerman

Charles W. Westerman, City Clerk

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council

(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines		
Head number of lines		
Body number of lines		68
Tail number of lines		1
Total number of lines in notice		69

COMPUTION OF CHARGES

69 lines, 1 columns wide equals 69 equivalent lines at .323¢ per line $ 22.29

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00

TOTAL AMOUNT OF CLAIM. $ 25.29

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursu ... of Ch. 89., Acts 1967.

I here ... has b ... unt is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Drusilla Roose

Date ... Title CLERK

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I, Cherles W. Westermen, Clerk of the City of Fort Weyne, Indiene do hereby certify thet Bill No. G-83-01-06 (es emended) -- Generel Ordinance No. G-08-03 end Bill No. Z-83-02-11 -- Zoning Mep Ordinence No. Z-01-83, were pessed by the Common Council on the 22nd dey of Merch, 1983, end said Ordinences were signed end approved by the Meyor on the 23rd dey of Merch, 1983, end remeins on file end on record in my office.

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(2) The Journel of the Common Council Proceedings in the Office of the City Clerk of Fort Weyne, Indiene

Cherles W. Westermen, City Clerk

I, Cherles W. Westermen, Clerk of the City of Fort Weyne, Indiene fulfilled end posted the ebove ordinences in the designeted pieces es steted on Merch 31, 1983.

Cherles W. Westermen, City Clerk

3—31/4—7

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 3/31 - 4/7/83

Drusilla Roose

Subscribed and sworn to me before this 7th day of April 19 83

Anne M. Dickens
Notary Public

My commission expires November 29, 1985

Form Prescribed by State Board of Accounts — General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

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(2) The Journel of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Cherles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled end posted the above ordinences in the designated pieces as steted on March 31, 1983.

Cherles W. Westermen, City Clerk

3—31/4—7

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 3/31 - 4/7/83

Drusilla Roose

Subscribed and sworn to me before this 7th day of April 1983

Anne M. Jorkins
Notary Public

My commission expires November 29, 1985

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date April 7, 19 83 — Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 3/31 - 4/7/83

Drusilla Roose

Subscribed and sworn to me before this 7th day of April 19 83

Anne M. Jenkins
Notary Public

My commission expires November 29, 1985

Schloss also is involved

In addition to his satel
operates 26 cable systems
in a five-state area, includ
as close to Indianapolis a
and as far away as Auburn

He is trying to persua
Franchising Board to allo
the local cable systems
public property to serve n
single Earth station.

feeding the satellite sign
at individual high-densi

Copies of Bill No. G-83-01-06 (as amended) -- General Ordinence No. G-08-83 and Bill No. Z-83-02-11 -- Zoning Map Ordinance No. Z-01-83 will be availeble for raeding in tha following placas in Fort Wayne, Allen County, Indiena.

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(2) The Journal of tha Common Council Proceedings in the Office of tha City Clerk of Fort Weyne, Indiene

Cherles W. Wastarman, City Clerk

I, Charles W. Westarman, Clerk of tha City of Fort Wayna, Indiene fulfillad and postad tha abova ordinances in tha dasignated places as statad on March 31, 1983.

Charles W. Wastarman, City Clark

3—31/4—7

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date April 7, 19 83

Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

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Drusilla Roose

Subscribed and sworn to me before this 7th day of April 1983

Anne M. Perkins
Notary Public

My commission expires November 29, 1985

Instant
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Court House
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Charles W. Westerman, City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on March 31, 1983.
Charles W. Westerman, City Clerk
3—31/4—7